

## **REMARKS/ARGUMENTS**

Claims 1-6 and 13-30 were previously pending in this application. The specification and claims 1, 2, 13, 14, 19, 20, 25, and 26 are amended. New FIGs. 6 and 7 are added. No new matter is added by way of the amendments or new figures.

Reconsideration in view of the foregoing amendments and the following remarks is respectfully requested. After the entry of the foregoing amendments, claims 1-6 and 13-30 remain pending in this application for reconsideration. Applicants believe that in light of the foregoing amendments and following remarks, the present application is in condition for allowance.

### ***Claim Objection***

Claim 1 is amended to correct a minor typographical error by removing the extraneous “the” from the claim. Accordingly, Applicants respectfully request the withdrawal of the objection to claim 1.

### ***Drawing Objections***

The drawings stand objected to as failing to comply with 37 C.F.R. 1.83(a) for not showing every feature of the invention specified in the claims. In response to this objection, FIGs. 6 and 7 are added. New FIGs. 6 and 7 are fully supported in Applicants’ originally filed specification, and thus do not constitute new matter. FIG. 6 illustrates the method recited in original claims 1 and 2, and is supported in paragraphs [0003] and [0043] of U.S. Published Patent Application No. 2008/0282142. FIG. 7 illustrates a method of rendering a user interface for a device that is described in paragraph [0043] of U.S. Published Patent Application No. 2008/0282142. Additionally, the specification is amended to fully describe FIGs. 6 and 7. Since the description merely repeats the subject matter in the original specification, the specification amendments also do not add new matter. Applicants submit that the combination of FIGs. 6 and 7 show the features of the invention recited in claims 1, 2, 13, 14, 19, 20, 25 and 26. Accordingly, Applicants respectfully request the withdrawal of the objections to the drawings.

### ***Specification Objection***

The specification is objected to as failing to provide proper antecedent basis for the subject matter in claims 1, 2, 13, 14, 19, 20, 25, and 26. In particular, the Office Action asserts that “rendering the user interface in accordance with the received user interface operating instruction update and actor attribute update” as recited in amended claims 1, 13, 19, and 25, and

that “not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface” as recited in amended claims 2, 14, 20, and 26 are not supported by the specification. *See* Office Action dated July, 22, 2011, page 4.

Applicants respectfully disagree with this characterization of the specification.

Applicants submit that the amendments to independent claims 1, 13, 19, and 25 made in Applicants’ reply dated May 5, 2011 were supported in paragraphs [0013], [0043], and [0051] of U.S. Published Patent Application No. 2008/0282142, and in the original language of claim 2. Additionally, Applicants submit that the amendments to claims 2, 14, 20, and 26 made in Applicants’ reply dated May 5, 2011 were supported in paragraph [0043] of U.S. Published Patent Application No. 2008/0282142.

Nevertheless, in order to advance the prosecution of the application, claims 1, 2, 13, 14, 19, 20, 25, and 26 are amended to directly align the language of the claims with the language of the specification. Claims 1, 13, 19, and 25 are amended to recite, *inter alia*, “providing a markup language code fragment; providing a renderer to receive one or more attributes from the actor attribute update and to receive the markup language code fragment; and rendering the user interface in accordance with the received markup language code fragment and actor attribute update.” The amendments of claims 1, 13, 19, and 25 are supported in the specification at paragraphs [0013], [0022], [0043], [0051], and [0063] of U.S. Published Patent Application No. 2008/0282142. Claims 2, 14, 20, and 26 are amended to recite, *inter alia*, “if a markup language code fragment is received by the renderer, the user interface continues to display its current content and the user interface is not updated to reflect the received markup language code fragment.” The amendments of claims 2, 14, 20, and 26 are supported in the specification at paragraph [0043] of U.S. Published Patent Application No. 2008/0282142. Accordingly, Applicants respectfully request withdrawal of the objections to the specification.

#### ***Response to Claim Rejections Under 35 U.S.C. § 112***

Claims 1-6 and 13-30 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement because the claims contain subject matter which was not described in the specification.

Applicants respectfully disagree with this characterization of the claims and specification in the Office Action. Nevertheless, as discussed above, claims 1, 2, 13, 14, 19, 20, 25, and 26 are amended to directly align the language of the claims with the language of the specification. Applicants submit that the current language of claims 1, 2, 13, 14, 19, 20, 25, and 26 finds direct support in the specification at the paragraphs discussed above, and that the specification reasonably conveys to one of ordinary skill in the art that Applicants are in possession of the claimed invention. Therefore, Applicants submit that the subject matter of claims 1-6 and 13-30 does not constitute new matter. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-6 and 13-30 under 35 U.S.C. § 112.

***Response to Claim Rejections Under 35 U.S.C. § 102(b) over Peters***

Claims 1, 3, 4, 6, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, and 30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Publication No. 2004/0158638 to Peters *et al.* (“Peters”). Applicants respectfully traverse these rejections on the grounds that Peters fails to disclose every element recited in the claims as amended.

A “claim is anticipated only if each and every element as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989). *See also*, MPEP § 2131.

Independent claim 1 is amended to recite, *inter alia*, “rendering the user interface in accordance with the received markup language code fragment and actor attribute update.” Independent claims 13, 19, and 25 are amended in a similar manner. These amendment are supported in paragraphs [0013], [0022], [0043], [0051], and [0063] of U.S. Published Patent Application No. 2008/0282142. The amendments clarify that the rendering of the user interface is done in accordance with both the received markup language code fragment *and* the actor attribute update.

Applicants submit that Peters fails to disclose rendering the user interface in accordance with the received markup language code fragment and the actor attribute update. Applicants submit that Peters is exclusively directed to high level logical operations for rendering a user

interface based on the type of data received by a mobile user interface device. *See e.g.* Peters paragraph [0004]. Peters discloses rendering a user interface in response to static event data and dynamic event data such as text, audio, graphics, video, statistics, and/or other information about an event. *See e.g. Id.* at [0018]. However, Applicants submit that neither the static nor the dynamic event data of Peters are markup language code fragments or actor attribute updates. Peters defines static event data as “event data that typically does not change as the event progresses.” *Id.* at [0019]. Peters defines dynamic event data as “data that typically does change as the event progresses.” *Id.*

Applicants submit that static and dynamic event data are simply high level content objects to be displayed by a user interface, and that Peters is silent regarding any rendering of the user interface itself based on markup language code fragments and actor attributes. While Peters does disclose that static or dynamic event data may be in any appropriate format for display, such as Extensible Markup Language of Hypertext Markup Language (*See id.* at [0019]), Applicants submit that both the cited portions of Peters, and the reference as a whole, are silent regarding any specific features of the data formats and any interaction between markup language code fragments and actor attribute updates. Applicants submit that in focusing exclusively on high level logical operations, Peters is silent regarding rendering the user interface in accordance with the received markup language code fragment and the actor attribute update, and thus fails to teach or suggest every element recited in each of amended independent claims.

For at least these reasons, Applicants respectfully submit that independent claims 1, 13, 19, and 25 are patentable over Peters because the reference fails to teach or suggest every element recited in the claims as amended. Claims 3, 4, 6, 15, 16, 18, 21, 22, 24, 27, 28, and 30 depend, directly or indirectly, from one of independent claims 1, 13, 19, or 25, and thus are also patentable over Peters for the same reason. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1, 3, 4, 6, 13, 15, 16, 18, 19, 21, 22, 24, 25, 27, 28, and 30 under 35 U.S.C. § 102(b).

***Response to Claim Rejections Under 35 U.S.C. § 103(a) over Peters in view of Relyea***

Claims 2, 5, 14, 17, 20, 23, 26, and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Peters in view of U.S. Patent Publication No. 2005/0091576 to Relyea *et al.* (“Relyea”).

As discussed above, independent claims 1, 13, 19, and 15 are amended to recite, *inter alia*, “rendering the user interface in accordance with the received markup language code fragment and actor attribute update.” Claims 2, 5, 14, 17, 20, 23, 26, and 29 depend from claims 1, 13, 19, or 15 and thus also recite this element.

The Office Action admits that Peters fails to disclose “if a user interface operating instruction is updated, the user interface operating instruction update is received by the renderer and the user interface is not updated to reflect any updated user interface operating instructions until the current content in use by the renderer is no longer displayed in the user interface.” Office Action dated July 22, 2011, pages 9-10. In order to cure the admitted deficiency of Peters, the Office Action cites to Relyea. *Id.* at 10.

Regardless of whether Relyea cures the admitted deficiency of Peters, Applicants submit that Relyea fails to teach or suggest “rendering the user interface in accordance with the received markup language code fragment and actor attribute update.” Therefore, Applicants respectfully submit that claims 2, 5, 14, 17, 20, 23, 26, and 29 are patentable over Peters in view of Relyea, because the references, taken alone or in combination, fail to teach or suggest all of the elements recited in the claims in view of the amendments to the independent claims. Accordingly, Applicants respectfully request withdrawal of the rejections of claims 2, 5, 14, 17, 20, 23, 26, and 29 under 35 U.S.C. § 103(a)

### CONCLUSION

In light of the foregoing amendments and remarks, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: September 2, 2011

By: Nicholas A. Cole/  
Nicholas A. Cole, Reg. No. 60,957  
(858) 658-1834

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-1834  
Facsimile: (858) 658-2502